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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,112	08/25/2003	Ib-Rune Johansen	2800-117	3896
6449	7590	11/03/2005		EXAMINER
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			HARRISON, CHANTE E	
			ART UNIT	PAPER NUMBER
			2677	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/647,112	JOHANSEN ET AL.
	Examiner	Art Unit
	Chante Harrison	2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

1. The information disclosure statement filed 12/9/03 fails to comply with 37 CFR 1.98(a)(2), which requires ***a legible copy of each cited foreign patent document;*** each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the ***cited foreign patent document*** referred to therein has not been considered.

***Specification***

1. The abstract of the disclosure is objected to because it is not a single paragraph. Correction is required. See MPEP § 608.01(b).

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a thick holographic element of claim 10 and a surface hologram of claim 11.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Regarding claim 1, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Shires, US 5,111,313, 5/1992.

As per independent claim 1, Shires discloses a surface (Fig. 1 "11") adapted to be moved through a light beam (Fig. 1 "20 & 21") including a number of wavelengths to be separated (i.e. modulated light from the laser diode is diffracted) (col. 3, ll. 19-24; col. 4, ll. 43-56), the surface comprising a diffractive or holographic optical element (DOE) (i.e. HOE) (Fig. 1 "10 & 11") capable of directing different wavelengths comprised in the light beam towards different parts of a determined area (Fig. 1 "13") said diffractive/holographic optical element generating a repeating color pattern, e.g. a continuous spectrum, as a function of scanning (col. 3-4, ll. 55-10; col. 7, ll. 30-35).

As per dependent claim 2, Shires discloses the surface is positioned on a rotating part so as to provide a repeated scan of wavelengths over the predetermined area (i.e. the HOE rotates to diffract light at differing angles by sensing a pulse during a cycle that is repeated) (col. 3, ll. 55-65; col. 5, ll. 15-32).

As per dependent claim 3, Shires discloses the surface is drum shaped being rotatable according to the drum axis (Fig. 1 "10"; col. 3, ll. 55-63).

As per dependent claim 4, Shires discloses the surface is a plane, disc shaped surface (Fig. 1 "11"; col. 3, ll. 32-35; col. 7, ll. 30-33).

As per dependent claim 5, Shires discloses the DOE is constituted by a number of focusing DOEs (Fig. 1 "11"), each for directing the separated colors to selected parts of the imaging device (col. 3, ll. 55-67).

As per dependent claim 6, Shires discloses the focusing is at least partially overlapping (i.e. overlapping HOE, hologram optical elements) (Fig. 1 "11").

As per dependent claim 7, Shires discloses the DOE is adapted to direct both first (col. 3, ll. 55-58) and second order diffraction (col. 3, ll. 58-62) toward the imaging device (i.e. as the HOE rotates the light is diffracted differently for each rotation, and the diffracted light is illuminated on the holographic screen, HDSS), and that the DOE is provided with a smooth transition between the two when moved along the direction of movement (col. 3-4, ll. 66-2).

As per dependent claim 8, Shires discloses the DOEs are reflective (col. 5-6, ll. 65-15; Fig. 5).

As per dependent claim 9, Shires discloses the DOEs are transparent diffracting the light passing through the elements (col. 6, ll. 44-50).

As per dependent claim 10, Shires disclose the DOE is constituted by a thick film holographic element (i.e. interpreted as a piece of holographic film) (col. 8, ll. 38-41).

As per dependent claim 11, Shires discloses the DOE is constituted by a surface hologram (i.e. Examiner interprets as a raster scanning hologram) (col. 3, ll. 31-33; col. 8, ll. 38-41; col. 7, ll. 41-50).

As per dependent claim 12, Shires discloses the DOE is provided on a flat surface being tilted or rotated relative to a chosen axis for scanning through the diffracted spectrum (col. 3, ll. 55-67).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shires as applied to claim 1 above, and further in view of William Parker et al., US 2004/0066547 A1, 4/2004.

As per dependent claim 13, Shires discloses in a video projector (i.e. computer) (col. 9, II. 63-67), focusing means (i.e. slit aperture) for directing light toward a chosen part of the separator (col. 5, II. 63-65), imaging device positioned within said predetermined area (i.e. mirror) (col. 5-6, II. 66-15) and optical system for projecting the image (i.e. HOE, hologram optical element, projects the directed light to the screen) (Fig. 1 "10"). Shires fail to specifically disclose said projector comprising a lamp with a chosen spectrum.

Shires discloses diodes (fig. 1 "15") that can be modulated to produce light in the frequency range visible to humans (col. 3, II. 18-25; col. 4, II. 42-49).

Parker discloses a lamp with a chosen spectrum (pp. 4, Para 41).

It would have been obvious to one of skill in the art to include Parker's lamp with a chosen spectrum with the method of Shires because modulation of laser diodes to on, off and states in between correlate to the production of light at varying

wavelengths, where the use of laser diodes facilitates keeping the wavelength with the reflectance bandwidth of the HOE.

As per dependent claim 14, Shires discloses imaging device being synchronized with said color separator for providing an image corresponding to the color projected on each part of the device (col. 5, ll. 3-51), and an optical system for projecting the image (Fig. 1 "10"). The rationale as applied in the rejection of claim 13 applies herein.

As per dependent claim 15, Shires discloses the imaging device is programmed to project two images at different sets of wavelengths (col. 7-8, ll. 66-26), representing stereoscopic images (col. 8, ll. 26-27), said sets of wavelengths both corresponding to a full RGB color spectrum (col. 8, ll. 25-30), said images being viewable using two adapted filtering devices (Fig. 1 "48 & 49"), each letting one of said sets of wavelengths through (col. 6, ll. 35-61).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chante Harrison  
Examiner  
Art Unit 2677

Ch  
October 25, 2005

AMR A. AWAD  
PRIMARY EXAMINER  
